

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

against-

John Carey, Dancy Auto Group, LLC d/b/a Dancy
Power Auto Group, Dancy Auto Group of Great
Neck, LLC, Great Neck Auto Sales, LLC, Macky Dancy
Enterprises, LLC, Tyrone Hill, and Macky Dancy,

Defendant.

Case No.: 18 CV 02846(PAE)(OTW)

**AFFIDAVIT IN OPPOSITION TO THE
REPORT, AND RECOMMENDATION OF
HONORABLE MAGISTRATE JUDGE ONA
T. WANG**

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

Renzer Bell, makes the following affirmation under the penalties of perjury:

I, Renzer Bell, am Plaintiff in the above titled action, and respectfully move this Court to issue an Order, pursuant to Local Civil Rule 6.4, and Federal Rules of Civil Procedure 6, and 72, granting the Plaintiff additional time to serve, and file default judgments as the Court deems appropriate pursuant to plea of the instant affidavit, and granting such other, and further relief as the Court deems just, and equitable.

The reasons why I am entitled to the relief I seek are the following:

- 1) That the Plaintiff respectfully apologizes to the Court and its processes for the delay identified by Magistrate Judge Ona T. Wang however for the reasons stated herein, dismissal of the instant action is neither the most suitable outcome nor solution.
- 2) That although the Plaintiff might have written to the Court for guidance, and indulgence, the circumstances that led to this point are no less relevant.
- 3) The Plaintiff is informed and believes, and based thereon avers that on March 13, 2020 by way of Proclamation 9994, President Donald J. Trump declared the COVID-19 Pandemic a National Emergency.

- 4) The Plaintiff is informed and believes, and based thereon avers that he self quarantined for several periods since March 13, 2020.
- 5) The Plaintiff is informed and believes, and based thereon avers that he suffered debilitating neck, and back injuries during calendar year 2020 that consistent treatment, rehabilitation therapy, rest, and recent limited exercise make more bearable.
- 6) The Plaintiff is informed and believes, and based thereon avers that the economy was constricted in calendar year 2020.
- 7) That the Plaintiff is merely overjoyed to be among the living in April 2021.
- 8) The Plaintiff is informed and believes, and based thereon avers that although a more vigorous prosecution of the instant action was the goal of the Plaintiff, and more desirable for the Court, the past year is reasonable to view as a statistical anomaly in terms of the challenges presented.
- 9) The Plaintiff respectfully asks the Court to allow for the entry of default judgments against the defaulted defendants because this outcome is the most reasonable given the ongoing challenges we all face.
- 10) That to restart the case will require personal service which during a pandemic is not an ideal human interaction if it can be avoided not to mention that finding a process server will be more challenging than when the instant action was commenced.
- 11) That while the Plaintiff remains apologetic to the Court, the defendants that failed to answer, or otherwise oppose have not been prejudiced by the fact that default judgment has not been entered against them.
- 12) That if the Court grants the Plaintiff a reprieve to file the default judgments, the default judgments will be filed with all deliberate speed since the Plaintiff's recovery from neck, and back injury is nearly complete.

WHEREFORE, the Plaintiff respectfully seeks leave of this Court for an Order, pursuant to Local Civil Rule 6.4, and Federal Rules of Civil Procedure 6, and 72, granting the Plaintiff additional time to serve, and file default judgments as the Court deems appropriate pursuant to plea of the instant affidavit, and granting such other, and further relief as the Court deems just, and equitable.

I declare under penalty of perjury that the foregoing statements are true and correct.

Affirmed on the 27th day of April, 2021


Renzer Bell